



## **HISTORIC LANDMARKS COMMISSION HEARING SYNOPSIS**

**WEDNESDAY FEBRUARY 6, 2008**

**PBCE Website Re-Design Study Session**

**5:00 – 5:45 P.M.**

**3<sup>rd</sup> Floor Tower, Room T-332**

**Regular Session**

**6:00 P.M.**

**Council Wing, Rooms W-118 & 119**

**200 East Santa Clara Street**

**San José, CA**

### **COMMISSION MEMBERS**

**EDWARD JANKE, AIA, CHAIR**

**PATRICIA COLOMBE, VICE CHAIR**

**HELENE LAVELLE    SCOTT CUNNINGHAM**

**DANA PEAK    JUDY STABILE**

**ERIC THACKER**

**JOSEPH HORWEDEL, DIRECTOR**

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT**

## **NOTE**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you have questions or concerns, please contact Sue Diehl at (408) 535-7855.

## **NOTICE TO THE PUBLIC**

Good evening, my name is **Ed Janke**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **February 6, 2008** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

### **The procedure for public hearings is as follows:**

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.

### **The procedure for referrals is as follows:**

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have one minute.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Historic Landmarks Commission will comment on the referral item.

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

An agenda and a copy of all staff reports have been placed on the table for your convenience.

**AGENDA**  
**ORDER OF BUSINESS**  
**6:00 PM SESSION**

**1. ROLL CALL**

*All present except for Commissioner Cunningham.*

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**The matter of deferrals is now closed**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

**a. APPROVAL OF THE DECEMBER 5, 2007 HISTORIC LANDMARKS COMMISSION SYNOPSIS.**

- b. [The Addition of a Qualifying Property to the City of San José Historic Resources Inventory](#).** The single family residence at 1405 McKendrie Street to the City of San José Historic Resources Inventory as a Structure of Merit. Owner: Angelo and Sonia Filippin. Council District: 6. SNI: None. CEQA: Not a project.

**Staff Recommendation:** Adopt a Resolution listing the Qualifying Property on the City of San José Historic Resources Inventory as a Structure of Merit as recommended by staff.

**The Consent Calendar is now closed.**

**CONSENT CALENDAR APPROVED 6-0-1 (Cunningham Absent).**

#### 4. PUBLIC HEARINGS

- a. [HP07-006](#). Historic Preservation Permit to allow replacement of existing nonhistoric windows that were previously modified without permits. The project location, a multi-family residential building on a 0.15-acre site (167 E. Julian Street), is a Contributing Structure to the Hensley Historic District.

##### **Deferred from 12-5-07**

**Staff Recommendation:** Recommend approval of a Historic Preservation Permit for exterior alterations as recommended by staff.

*Planning staff reviewed the Staff Report and highlighted the following issues:*

- *The Code Enforcement case only involves those windows that are reduced in size from the original opening.*
- *Two windows on the front of the building are not part of the Code Enforcement case.*
- *On the front of the building, applicant is volunteering to keep the one original wood window and replace all other front windows with wood windows.*
- *Applicant is proposing to replace the windows that do not meet Code on the sides and back of the building with vinyl windows.*

*Public Comment was received from:*

*Mary Tucker, owner of 359 N. 5<sup>th</sup> Street in the Hensley Historic District, was opposed to replacing windows with anything but wood. She voiced concern about the precedent that would be set for future rehabilitation projects within the District.*

*Manuel Lima, who resides at 336 N. Third Street within the Historic District, requested that only wood windows be allowed for rehabilitation.*

*Judi Henderson, PAC San Jose, indicated her support for wood window replacement. However, she voiced concern about one building having aluminum, vinyl and wood windows.*

*Yvette Abatecola, resident at 336 N. Sixth Street, indicated four years ago the City required that her rehabilitation project include wood windows. She requested the City be consistent in their requirements and that they protect the integrity of the Historic District.*

*Commissioner Colombe identified two issues. The first was the project's non-conformance to the City of San Jose Your Old House Design Guidelines, which are based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the Historic Preservation Ordinance. The second was the importance of consistency in enforcement throughout Historic Districts. She requested that specific language be included in the permit indicating only wood windows are acceptable replacements.*

*Commissioner Peak questioned the appropriateness of holding a building whose integrity has been significantly diminished to the standards of the Guidelines and Ordinance. She felt the building had been diminished to the point that the basic form of the building was all that remained. However, she expressed concern that the proposed project did not meet the Ordinance findings relating to proposed building materials and the relationship of such features to similar features of other buildings within a Historic District.*

*Commissioner Thacker asked the owner about the cost differential between vinyl and wood windows, noting that rehabilitation costs could be a consideration.*

*Commissioner Stabile suggested investigation be undertaken to determine if any financial incentive or assistance would be available for the applicant.*

**A MOTION WAS APPROVED TO 1) FIND THAT THE PROPOSED PROJECT DOES NOT CONFORM TO STANDARD NO. 6 RELEVANT TO THIS PROJECT, THE HISTORIC PRESERVATION ORDINANCE OR THE YOUR OLD HOUSE DESIGN GUIDELINES; 2) THOSE WINDOWS THAT ARE REQUIRED TO BE REPLACED BY CODE ENFORCEMENT MUST BE REPLACED WITH WOOD, AND WINDOWS THAT ARE REPLACED IN THE FUTURE, WHETHER REQUIRED OR ELECTIVE, MUST BE WOOD; AND 3) INVESTIGATION BE UNDERTAKEN TO DETERMINE IF ANY FINANCIAL INCENTIVE OR ASSISTANCE WOULD BE AVAILABLE FOR THE APPLICANT. (6-0-1, Cunningham absent)**

- b. **Ordinance Revision**. Review and comment on a proposed ordinance amending Chapter 20.100 of Title 20 (The Zoning Ordinance) and Chapter 23.02 of Title 23 (The Sign Ordinance) of the San Jose Municipal Code to provide for a Development Permit Adjustment exception for City Landmark and City Landmark Historic District sites and structures that require Historic Preservation Permit Adjustments.

**Staff Recommendation:** Recommend approval of the Director initiated ordinance revision as recommended by staff.

*Commissioner Colombe felt the proposed revision was an excellent idea. She questioned under what circumstances a full HP Permit or HP Permit Adjustment would be required in addition to a Development Permit Adjustment. Clarification was made that some types of minor projects qualify for a Development Permit Adjustment but not an HP Permit Adjustment, and this would still be the case under the current proposed revision. For example, an addition of less than 5,000 square feet could qualify for a Development Permit Adjustment but would still require a full HP Permit.*

*Chair Janke agreed that the proposed amendment was a good idea and proposed that comment recommending approval of the ordinance revision be passed onto the Planning Commission.*

## **5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

- a. **First Amendment to the Park View Towers DEIR (Response to Comments)** located on the north side of East St. James Street between North First and North Second Streets, (H05-029, HP05-002, HP05-003). The project includes the demolition of Contributing Structure Letcher's Garage, rehabilitation of Contributing Structure First Church of Christ Scientist, and construction of a mid-rise residential project within the St. James Square Historic District.

**Staff Recommendation:** Historic Landmarks (HL) Commission to review the First Amendment to the EIR and provide comment to HL Commissioner Stabile, appointed to speak at the DEIR certification Planning Commission hearing on behalf of the HL Commission.

**CONTINUED TO 3-5-08**

- b. **Japantown Corporation Yard Mixed Use Residential Project (PDC07-073) Draft Environmental Impact Report (DEIR)** located at 696 North 6<sup>th</sup> Street and 675 North 6<sup>th</sup> Street. The proposed project would include up to 600 market-rate residential units, up to 30,000 square feet of retail space, a 10,000 to 20,000 square foot community amenity space, and up to 900 underground/surface parking spaces on the Corporation Yard site. As a variation on the proposed project, up to 15,000 square feet of retail space may be replaced with up to 24 live/work units. (Applicant: Williams & Dame Development and First Community Housing). Council District: 3. SNI: None. *Circulation Period: January 25, 2008- March 10, 2008*

**Staff Recommendation:** Historic Landmarks Commission to provide comment and consider authorization of the HLC Chair to sign a DEIR comment letter on behalf of the commission, to the Director of Planning, Building and Code Enforcement.

*Staff introduced the item by stating that the proposed project includes a General Plan amendment and an amendment to the Jackson Taylor Residential Strategy to change the land use designation to allow this proposed mixed usage and allow increased height and density on the project site, increase the caps on development to the extent required, and amend relevant design principles. The site would be rezoned in the future to A(PD) Planned Development Zoning District (File NO. PDC07-073). The Cultural and Paleontological Resources Chapter of the document includes discussion of:*

- *Potential Archeology and historic archeological impacts on the site*
- *Potential for proposed construction to have an impact on the scale of the setting of the identified Historic District resources on the west side of North Sixth Street*
- *Potential construction impact to building 16 on the west side of North Sixth Street*

*Commissioner Thacker questioned if Building 10 and 16 were landmarks, indicating their scores appeared to make them Candidate Landmarks. He recommended that their designation be determined so the Commission would be able to have purview over some of the issues. Staff noted they would confirm any designations and also noted that the Commission could put the designation of the identified Candidate City Landmarks on the work plan as a priority. Commissioner Thacker also raised the issue of construction related vibration levels. The DEIR discusses monitoring these levels and repairing damage. He recommended a proactive approach of shoring up and protecting the buildings prior to construction.*

*Commissioner Colombe offered comment regarding the height of the proposed buildings in comparison to the District buildings. She felt allowing the buildings to be up to six times taller (6 to 14 stories) than the historic buildings across the street would overwhelm the buildings. Staff noted that Mitigation Measure CULT-3b addresses mid-rise scale of new development in proximity to Buildings 8 through 12 and Building 16, noting that the third through sixth stories on these buildings shall be set back substantially (10 to 15 feet) from second stories. Commissioner Colombe felt the discussion about requesting one and two story architectural lines on the new buildings and the recommended 10-15 foot setback of the stories would not mitigate the towering of the buildings across the street. Commissioner Colombe asked that the record specifically reflect that she would prefer a bigger setback of the upper stories.*

*Commissioner Colombe also recommended the Commission suggest that the volume of the new buildings have differentiation in them. Staff noted verbiage within the DEIR regarding how the project should not wall off this portion of Sixth Street with an undifferentiated continuous façade, and that the Commission could consider adding language as they felt appropriate.*

*Commissioner Stabile asked whether there was a specific plan in Japantown that this development was a part of. Staff noted that the development was a part of the Jackson-Taylor Residential Strategy. Commissioner Stabile voiced concern that a recent newspaper article had quoted the developer as saying he needed 20 stories of height in order to generate the population to support the retail. Commissioner Stabile questioned if a change in the project height would require subsequent environmental review. Staff noted that the project description for the EIR refers to 6-14 stories.*

## **CONTINUED TO 3-5-08**

### **6. PETITIONS AND COMMUNICATIONS**

Public comments to the Historic Landmarks Commission on non-agendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda

#### **a. Public Comment**

- *Judi Henderson of Preservation Action Counsel requested that the plastic covering the remains of the Donner House be re-secured.*
- *She additionally requested that staff ensure work on the Firato Deli Project is being done as Permitted.*
- *Invitations to the Preservation Action Council's Fabulous Hats Party on March 16, 2008 were distributed to the Commission members.*

### **7. GOOD AND WELFARE**

#### **a. Report from the Redevelopment Agency.**

*Ms. Zarnowitz reported she had spoken with Ruth Shikada of the Agency. Because RDA no longer has permitting authority downtown, Ms. Shikada requested Agency staff report to the HLC on a project-by-project basis.*

#### **b. Report from the Secretary.**

Status of Circulation of Environmental Review Documents

<http://www.sanjoseca.gov/planning/eir/>

Demolition of the San José Medical Center DEIR

July 2007 NOP Distribution

*An administrative draft EIR on the project is being prepared.*

Morrisson Park PD Rezoning (PDC06-094) MND

*Further information has come forward and the applicant has been looking at the significance of the resources and the related project to determine what environmental review will be required. It currently appears it will be a Negative Declaration.*



Japantown Corporation Yard  
Anticipated 21 April 2008 EIR Hearing  
Coleman/Autumn Improvement Project EIR  
30 January 2008 PC Hearing  
Anticipated 5 March 2008 HRI Additions

*The HLC comment letter was submitted and the EIR was certified by the Planning Commission in January 2008. The City has committed to avoiding the impacts of the significant historic resources in the project.*

Park View Towers (H05-029, HP05-002, HP05-003) EIR  
Anticipated 12 March 2008 PC Hearing

*Response to the Commission's comments is still forthcoming. More information is needed from the applicant.*

Carlisle Site Development Permit (H07-008) MND  
3 December 2007 HLC Comment Letter

*The Commission's letter was enclosed with the packet. The high rise residential development was approved by the Director December 5, 2007.*

Status of previous HLC Recommendations on Referrals to City Council, Boards, Commissions, and Other Agencies.

Morse Street PD Rezoning (PDC06-100)

*This PD Permit for new construction was approved by the Director of Planning in January 2008. The City Council approval of the PD Zoning did not include a requirement that the PD Permit come back before the HLC or DRC. Planning Implementation staff worked closely with the neighborhood in the design review of the new houses.*

Stephen's Meat Products Building Construction Contract for Demolition  
Anticipated Sign DPR/Tally Evaluation

*Ms. Zarnowitz noted that staff has asked the Agency to consider revising the DPR to evaluate the remaining sign and determine whether or not the sign would be eligible to list on the City's Inventory in order to facilitate its rehabilitation. At that time it would come back to the Commission to add to the Inventory.*

Downtown BART Station  
3 March 2008 Transportation and Environment Committee

*The Director is determining the most effective manner of forwarding the signed HLC comment letter to the City Council.*

Porter Stock Building

*Ms. Zarnowitz indicated the Porter Stock Building is a designated City Landmark and, as such, anything that happens on the site will require an HP Permit which the Commission would see. The procedure for amending or rescinding the designation is the same as that for designation of a landmark. Chair Janke recommended that the item be agendaized for a future meeting with the possibility of a task force that could be formed to study the site and recommend options.*



## California Preservation Foundation Workshops and Conference

*Staff will be attending the February 13, 2008 CEQA Workshop in Davis regarding historic resources, and Commissioners were also encouraged to attend.*

## The Alameda: A Plan for “The Beautiful Way”

*There is currently a grant proposal on this project. The Agency would be interested in addressing the Commission on the proposal if the grant is received.*

## Westinghouse History San Jose Warehouse

*Because History San Jose stores collections in the Warehouse and Commissioners have expressed interest in industrial/commercial resources in this area of the City, staff reported for the Commission’s information that the Agency commissioned an evaluation of the Warehouse which found that it did not qualify for the Inventory.*

### c. **Report from Committees.**

1. History San José Collections Committee  
Commissioner Stabile, Liaison – *No Report*
2. Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee.  
Commissioner Cunningham, Liaison – *No Report*
3. Japantown Survey Committee.  
Commissioner Lavelle, Liaison – *No Report*
4. Pellier Park Committee.  
Vice Chair Colombe, Liaison  
*There has been no action on this item. Preservation planning staff Darren McBain is now the new project manager and will work to bring the HP permit to hearing.*
5. City of San José BART extension, Design, Art & Architecture Review.  
Chair Janke, Liaison – *No Report*
6. GP Update Taskforce Progress Report  
Vice Chair Colombe and Commissioner Thacker  
*The January meeting addressed the issue of transportation. As well, a draft visual of the vision was presented. Commissioner Colombe felt that the historic preservation element is not well represented. Group discussion addressed the appropriate time to go before the Task Force with concerns and the importance of proactively preparing for the presentation.*

### d. **Report from Historic Landmarks Commission Subcommittees**

1. Design Review Committee (DRC).  
Commissioners Janke, Colombe and Cunningham, members  
**1/9/08 Report** – *Chair Janke discussed the project reviewed by the DRC and indicated staff is working with the applicant to find an acceptable modification of the site. Staff noted that the Commission would have a chance to consider addition of the house (and other resources identified through development review) to the Inventory at a future hearing.*

### **Discussion on Project Presentation Prior to Receipt of EIR**

*Commissioner Stabile requested that this issue be considered. She indicated she would find it very useful to have a broad scope project presentation prior to receiving the EIR and being expected to comment on it. Commissioner Colombe agreed and suggested a presentation before the item appeared on the agenda and the Commissioners were expected to comment would be helpful. Deputy City Attorney Rosa Tsongtaatarii indicated the issue is one of staff time and resources, and that the Planning Commission does not receive a preliminary presentation. Ms. Zarnowitz indicated the comments would be noted and that the issue could be addressed in a study session.*

### **Discussion on Neighborhoods of Distinction**

*Commissioner Peak requested staff report back to the Commission regarding newspaper articles about Council District 6 community meetings concerning existing and possible revisions to neighborhood and Conservation Area preservation tools. Staff noted that the Council District discussions have not evolved into a project or proposed ordinance.*

## **8. ADJOURNMENT**

*The meeting was adjourned at 8:58 p.m.*

## 2007 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
January 9, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
February 6, 2008	6:00 p.m.	Regular Meeting	Room W118-119
February 20, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
March 5, 2008	6:00 p.m.	Regular Meeting	Room W118-119
March 19, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
April 2, 2008	6:00 p.m.	Regular Meeting	Room W118-119
April 16, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
May 7, 2008	6:00 p.m.	Regular Meeting	Room W118-119
May 21, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
June 4, 2008	6:00 p.m.	Regular Meeting	Room W118-119
June 18, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
August 6, 2008	6:00 p.m.	Regular Meeting	Room W118-119
August 20, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
September 3, 2008	6:00 p.m.	Regular Meeting	Room W118-119
September 17, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
October 1, 2008	6:00 p.m.	Regular Meeting	Room W118-119
October 15, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
November 5, 2008	6:00 p.m.	Regular Meeting	Room W118-119
November 19, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550
December 3, 2008	6:00 p.m.	Regular Meeting	Room W118-119
December 17, 2008	12:00 p.m.	Design Review Subcommittee	Room T-550

HISTORIC LANDMARKS AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/historic.asp>